

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CHRISTOPHER WILKINS,

Plaintiff,

v.

CHARLES DANIELS, *et al.*,

Defendants.

Case No. 3:21-cv-00146-ART-CSD

ORDER ADOPTING REPORT AND
RECOMMENDATION (ECF No. 33).

Pro se Plaintiff Christopher Wilkins (“Wilkins”) brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Craig S. Denney (ECF No. 33), recommending the Court dismiss this action without prejudice and deny as moot Defendants’ pending Motion for Summary Judgment (ECF No. 27) and corresponding Motion for Leave to File Documents Under Seal (ECF No. 28). Plaintiff had until November 21, 2022 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R in part, dismisses the action without prejudice, denies Defendants’ Motion for Summary Judgment (ECF No. 28) as moot, and grants Defendants’ Motion for Leave to File Documents Under Seal. (ECF No. 28).

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one

1 or both parties file objections to the findings and recommendations.”) (emphasis
2 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that
3 the Court “need only satisfy itself that there is no clear error on the face of the
4 record in order to accept the recommendation.”).

5 Because there is no objection, the Court need not conduct de novo review,
6 and is satisfied Judge Denney did not clearly err. Here, Judge Denney
7 recommends dismissing the action with prejudice because Wilkins failed to file
8 a notice of change of address or otherwise communicate with the Court since
9 ordered to do so on September 27, 2022 in violation of LR IA 3-1. The Court
10 agrees with Judge Denney. Having reviewed the R&R and the record in this case,
11 the Court will adopt the R&R in full, except for granting Defendants’ Motion to
12 Seal.

13 It is therefore ordered that Judge Denney’s Report and Recommendation
14 (ECF No. 33) is accepted and adopted in full.

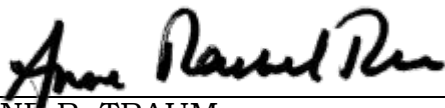
15 It is further ordered that this action is dismissed without prejudice.

16 It is further ordered that Defendants’ Motion for Summary Judgment (ECF
17 No. 27) is denied as moot.

18 It is further ordered that Defendants’ Motion for Leave to File Documents
19 Under Seal is granted. (ECF No. 28).

20 The Clerk of Court is respectfully directed to close this case.

21
22 DATED this 11th Day of April 2023.

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24 
25 ANNE R. TRAUM
26 UNITED STATES DISTRICT JUDGE
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